

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 3:13-cr-207
	)	
RAHIM SABADIA,	)	Sentencing Date: March 20, 2014
	)	
<i>Defendant.</i>	)	

**DEFENDANT RAHIM SABADIA'S SENTENCING MEMORANDUM**

Rahim Sabadia will appear before this Court for sentencing on March 20, 2014, having admitted and accepted responsibility for his wrongdoing, pled guilty to one count of making a false statement in violation of 18 U.S.C. 1001, and expressed sincere remorse.

Because Mr. Sabadia agrees with the factual recitation and Sentencing Guidelines calculation in the Pre-Sentence Report ("PSR"), this Sentencing Memorandum will not repeat all of those details but rather draw upon those recitations and the more than forty heartfelt letters of friends, family, fellow businessmen and women, community members, and charitable institutions submitted in support of Mr. Sabadia to assure the Court that the wrongful conduct committed by Mr. Sabadia was an aberration, inconsistent with his true character, values, and personal ethics.<sup>1</sup>

**The Offense Conduct**

In the 1980s, Mr. Sabadia and his wife founded Sabtech, a company that developed and manufactured advanced communication systems and components, and provided customer training and support for those systems, primarily for the U.S. Department of Defense. PSR ¶ 7. As of

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<sup>1</sup> All of the letters in support of Mr. Sabadia were separately submitted to Your Honor as individually number-tabbed attachments to a cover letter from defense counsel dated March 14, 2014. All references to those letters in this memorandum provide the Tab number for the Court's ease of reference.

July 13, 2010, Mr. Sabadia and Sabtech no longer held active security clearances with the U.S. government, both of which were essential for Sabtech to be able to continue bidding and working on one of the types of U.S. military contracts it had specialized in. Id. Mr. Sabadia then directed three of Sabtech's employees and one family member to incorporate a new company called Primary Tech Systems (PTS), and each of the three employees became officers and owners of PTS. The family member became an owner as well. Id.

In discussions with Navy officials, PTS officers did not hide the fact that some of the actual work for any contracts the Navy awarded to PTS would be performed by Sabtech. Id.; see also Statement of Facts (Docket No. 6 ) ¶ 5. Mr. Sabadia's role in PTS was explained as that of a mere advisor and subcontractor, and that he was not someone who exercised any operational control over PTS or its officers. Id. However, Mr. Sabadia in fact did exercise control over PTS, as exercised in various meetings, emails, and phone calls with the PTS officers. Id.

In 2011, PTS's officers were negotiating with the U.S. Navy to bid on a small training materials contract, the successful completion of which would enable PTS to compete for larger contracts. Id. Mr. Sabadia intended for PTS to obtain the services contract that Sabtech had lost when it lost its facility security clearance. Id. Navy officials made it clear to PTS officers that because Mr. Sabadia no longer held a security clearance he could have no control of PTS in order for PTS to be eligible to obtain the contract. Id.

On June 16, 2011, Mr. Sabadia spoke by telephone with a Navy procurement officer at the Naval facility in Dahlgren. Id. When asked by the Navy procurement officer whether he had any control or direction over PTS, Mr. Sabadia said that he did not (and that he could not fire anyone from PTS, and could not make decisions for anyone at PTS). Id. Mr. Sabadia knew

when he made those statements that they were not true, because in fact he did exercise direction or control over PTS and its officers. Id.

**Mr. Sabadia's Personal History and Character**

As the PSR recites in more detail, Mr. Sabadia was born in South Africa under the Apartheid regime, where he experienced discrimination against his family and himself by virtue of being of Indian descent (his grandfather originally moved from India to South Africa) and thus "non white" under Apartheid law. PSR ¶ 21, 28. He grew up humbly, without electricity or running water, and was segregated and forced to live only with other Indians, where he was subjected to threatening visits from the secret police at home interrogating him and his family about their friends and relatives. Id. Mr. Sabadia left South Africa at age 17 and worked in Switzerland with his brother, then visited New York for work, settled in Dallas to work for his brother's trading company, and later moved to Tampa as the business expanded. During that time, Mr. Sabadia obtained legal residency in the United States and earned his GED in 1982. Along the way, Mr. Sabadia married Nafees Batool (in 1979), and in 1982 moved his young family to Yorba Linda, California, where he has remained to this day. Mr. Sabadia became a naturalized U.S. citizen in 1989.

When they married, Ms. Batool had a child from a previous marriage. As Ms. Batool and her son (Najeeb) and other family members state in their letters, from that day to the present, Rahim Sabadia treated her son, now an orthopedic surgeon, as his own son, providing him all of the love, support, and financial resources to succeed in life. Tabs 1 (wife), 2 (brother-in-law), 8 (father-in-law) and 9 (son).

### Core Values

More importantly, Rahim Sabadia instilled in all of his four children a strong set of values, from the importance of hard work, to honesty, humility, fairness, equality, and tolerance. Tab 14 (daughter). As his now adult and professional children and relatives describe in their letters, Mr. Sabadia taught not just through words but by actions, and he took these values so seriously that he paid attorneys to draft a family constitution to codify them. His children plan to sustain that guiding charter “for generations to come,” according to both of Mr. Sabadia’s sons. Tabs 9, 13.

Doug Freeman, a retired attorney and friend of Mr. Sabadia’s since 2007, was involved in the creation of that family constitution, which he describes as having been developed over a twelve-month period of interaction and intense discussion by Mr. Sabadia, his wife, and four children and their spouses. Tab 23.

Mr. Sabadia’s daughter writes about never having felt an absence when her father was away working very hard, because he took the time to show his love and explain how the work he was doing was so that his children never feel the pain he felt in South Africa as a boy. Tab 11. A nephew starting a company abides by Mr. Sabadia’s teaching that “sometimes the easiest way out of a problem is not the best way out.” Tab 5 (nephew).

And when Mr. Sabadia learned that he lost a significant portion of his life savings in 2009 to a Ponzi scheme perpetrated by a man who himself has yet to be brought to justice, his daughter recalls that Mr. Sabadia expressed more concern for other victims than for himself. Tab 11. Mr. Freeman recalls that Mr. Sabadia offered numerous times to provide support to other victims, even without compensation or personal benefit to himself. Mr. Freeman writes that it was then that he realized “how deep Mr. Sabadia’s values were and how committed he was to living those

principles.” Tab 23.

Indeed, in a trial related to the Ponzi scheme in which Mr. Sabadia was victimized, Mr. Sabadia won a jury award of damages. Mr. Sabadia’s daughter recounts that Mr. Sabadia refused to engage in character assassination of the defendant at trial, despite having known embarrassing information about him. His daughter reacted to Mr. Sabadia’s insistence that “to do so would make him no better than the wrongdoers” by feeling embarrassed that she had not thought as her father did. Tab 11.

The values that Mr. Sabadia taught his children even extended to their friends. Hassan Siddiqi, a childhood friend of Mr. Sabadia’s son, describes Mr. Sabadia as always having been “the strong principled type ... who would use every opportunity to orchestrate a teachable moment about values.” Tab 33. For example, Mr. Sabadia did not help them with their science project “in the way other parents would; he would make sure we did it ourselves” while he helped “us understand what we were doing and why.” Id.

Charity—Living a Core Value

When Mr. Sabadia’s mother-in-law passed away, he learned there was no Muslim funeral home close to Orange County, California. According to his sister in law and son, Mr. Sabadia financed and arranged the building of a state-of-the-art mortuary in the Orange County Mosque so that families would not have to transport their loved-ones’ bodies long distances and would be able to adhere to Islamic tradition that requires the ceremonial washing and burying of the deceased within several days of death. Tabs 3, 9. Mr. Sabadia did this anonymously. Tab 9. The president of the Islamic Society of Orange County estimates that since 2005, approximately 2,500 individuals have had funeral arrangements conducted there. Tab 38. Mr. Sabadia also has

supported, through his charitable donations, free health clinics in the south side of Los Angeles.

Tab 16. And, when Mr. Sabadia learned through a family friend working as an IT contractor for Sabtech that a local public school for children with special needs was looking for donations of used computers, Mr. Sabadia anonymously donated brand new computers instead; Mr. Sabadia “did not think those kids should get substandard computers.” Tab 33.

Doug Freeman, who also serves as Mr. Sabadia’s financial advisor, writes that Mr Sabadia “is a genuine philanthropist, who has given of his time, talent” and money without the expectation of any benefit or even acknowledgement. Tab 23. Mr. Freeman has helped Mr. Sabadia manage his money and is well aware of the many charitable organizations to which Mr. Sabadia has donated money over the years. Mr. Freeman described some of them as supporting “disadvantaged youth and families who are overcoming poverty, discrimination, physical or mental challenges and political repression around the world.” Tab 23. Perhaps because of his personal experience growing up in poverty in South Africa, Mr. Sabadia reacts emotionally to seeing poverty in America. His neighbor since 1989, William Webster, writes, “One day, Rahim and I drove by some apartment buildings in a rundown neighborhood and Rahim was physically upset. He choked up at the sight of poverty and expressed to me that it reminded him of his childhood surroundings.” Tab 34.

Mr Sabadia jointly with another businessman, Mohannad Malas, “helped the African American Muslim community in East Los Angeles pay off their debt that was coming due that would have caused that community to lose their property to the lender.” Tab 26.

Mr. Sabadia’s other charitable acts have included paying for the installation of new computers at the Los Angeles City College to “help develop skills for women being trained to

reenter the workforce.” The college foundation’s chairman, Marvin Hoffman, writes that Mr. Sabadia neither asked for nor received any recognition. Tab 37. Additionally, according to the letter from Mr. Ahmad, the Director of the Al-Ikhlās Training Academy, a nonprofit K-12<sup>th</sup> grade school in Detroit serving Muslim and non-Muslim children seeking a safe learning environment, Mr. Sabadia has been donating money to that school since 2004. Tab 36. Mr. Sabadia’s donations have paid the tuition for many students from families of unemployed or under-employed parents in Detroit who could not otherwise afford it. Id. And when Mr. Sabadia learned during a presentation by the founder of a local charity called Humanitarian Day that 20,000 of the 131,000 estimated homeless war veterans in the United States are located in Los Angeles, Mr. Sabadia began and has continued to support the effort to care for them. Tab 40.

One of Mr. Sabadia’s long-time lawyers and close friends, David Ribakoff, estimates that Mr. Sabadia has donated hundreds of thousands of dollars to local and international charitable causes from local college students to widows and orphans. Tab 32. In fact, Mr. Sabadia’s tax returns establish that he has donated millions.

Indeed, one of the categories of people in need that touches Mr. Sabadia’s heart the most is the all too large number of children orphaned throughout the world. In traveling in Indonesia for example, according to his brother in law, Mr. Sabadia was brought to tears by the orphans devastated by a Tsunami there. Tab 2. Friend and lawyer David Ribakoff describes having seen in Mr. Sabadia’s home “letters of thanks from children whose lives were improved by Rahim’s charity.” Tab 32. As Mr. Ribakoff writes, “Rahim never has secondary motives for giving charity ... there are no walls with Rahim Sabadia’s name on it, no award dinners, no plaques, nothing.” Id. In fact, over the years, Mr. Sabadia has contributed money to support dozens of

individual orphans overseas. For example, the nonprofit 501(c)(3) relief agency, Islamic Relief USA, wrote in support of Mr. Sabadia to acknowledge that Mr. Sabadia “has supported [the organization] through the provision of financial contributions since 1995,” including supporting orphans, providing clean water for refugee families, and sending lifesaving supplies to natural disaster victims. Tab 42. Although the sponsored orphans never knew Mr. Sabadia’s identity, they routinely wrote letters of thanks to him, often including drawings they made, that the organization forwarded to Mr. Sabadia—letters he has kept and assembled in a notebook in his home and which the undersigned counsel have seen.<sup>2</sup>

Mr. Sabadia’s generosity precedes his business successes. His wife recalls early in their marriage being at a function at which it was announced that a student needed help paying his rent. Mr. Sabadia told his wife later that night that he had given the student four hundred dollars via another person so that it would be anonymous. Tab 1. Mr. Sabadia did this at a time when his wife and he were “struggling” with two small children and not yet a successful business. Id. But Mr. Sabadia told his wife at that time that “at least we have a roof over our head.” Id.

Finally, he has aided countless relatives with financial assistance, business advice, and a kind listening ear. Tabs 2 (brother-in-law), 4 (nephew), 5 (nephew), 9A (relative), 12 (sister), 16 (niece). Family is very important to Mr. Sabadia, who continues to visit his 93-year-old frail father (his lungs are collapsing and is limited to movement by wheelchair) every day. Tab 11A (brother). Mr. Sabadia visited his mother routinely as well until she passed away in 2013. Tab 2, 3, 11A. His father continues to rely on Mr. Sabadia to “manag[e] his affairs and ensur[e] that he

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<sup>2</sup> The collection of letters from the orphans and other children who lost at least one parent to war or other violent local conflict overseas have not been provided to the Court because they are voluminous. Counsel represents to the Court that there are dozens of letters from individual children, some of which are handwritten, and some of which include typed English translations of accompanying non-English hand written letters.



receives proper care.” Tab 11A. And, Mr. Sabadia takes financial responsibility for his adult sisters who are not married, including buying a car and by helping them buy a house, just as he financially supported his elderly parents, all of whom he paid to bring to America from South Africa where they were not able to support themselves. Tabs 6 (brother in law), 8 (father in law).

Integrity and Generosity—Running a Business by Core Values

Mr. Sabadia ran his business, Sabtech, with integrity and treated his employees generously. He was proud of the business he built.

His wife recalls well an employee who had emigrated from Cambodia and worked at Sabtech. Mr. Sabadia was moved by her recounting of her escape from the political killings there. She was adopted by other fleeing adults. Mr. Sabadia helped her buy a home in California by loaning her the money without interest. Tab 1. Mr. Sabadia believed she would feel more dignified by receiving a loan rather than a hand-out. Id. Mr. Sabadia has never sought repayment but instead felt it was important to help her live in a safe neighborhood where she would not fear; she lives in that home still today. Id.

Mr. Sabadia insisted on integrity in the running of his company. Because Sabtech’s products were used by the military, and lives literally depended on the quality of the products and systems they made, Mr. Sabadia’s mantra was that it must be made well, even if it takes longer and costs more to do. Tab 1. He required his sales department to honor all commitments and never make a promise it could not keep. Ms. Batool, whose office faced Mr. Sabadia’s at Sabtech for decades, recalls that a new buyer employed by Sabtech once obtained a very good deal, so good that it turned out, when Mr. Sabadia inquired, that he had negotiated by promising the supplier that Sabtech would buy a large amount of parts and thus received a discount. Mr. Sabadia made the

buyer call the supplier back and tell them exactly how much Sabtech needed and to pay the actual price rather than make a promise Sabtech could not keep. Tab 1.

For more than 30 years, Mr. Sabadia dedicated himself to creating and delivering systems to the Navy that he and his employees could be proud of. Beginning in 1985, Sabtech delivered products still being used today in some of the most highly visible defense programs: the AEGIS Ballistic Missile Defense, Anti Submarine Warfare Combat Systems, Submarine Weapon Systems, Tactical Tomahawk Weapons Control System, Trident Submarine Upgrade. PSR ¶ 54. A fellow California businessman, Brad Bogart, writes that the systems Sabtech provided have “protected our military personnel and country in countless situations.” Tab 20. David Ribakoff, long-time lawyer and friend, recalls litigating an intellectual property case for Sabtech in which a representative of the Navy testified at trial “glowingly about the tremendous service Rahim’s company provided the Navy, and the quality and durability of its products.” Tab 32.

Indeed, a fellow CEO of a California small business, Victoria Betancourt, writes that over the eight years she has known Mr. Sabadia, he has offered of his own time to mentor her, which enabled her to turn around a struggling business. She credits her successful turnaround to Mr. Sabadia’s “insistence that I start by re-defining my ‘core values’—what I would stand for no matter what, and to understand that these are not separate from who I was personally versus as a business person.” Tab 19. Other CEOs, for example Leslie Whitney, have written letters of support describing the immeasurable amount of time Mr. Sabadia has spent mentoring, sharing ideas about business management, and values. Tabs 35.

John Myrna, another businessman specializing in conducting strategic business planning retreats, has known Mr. Sabadia since 1996 when he began facilitating strategic business planning

meetings for Mr. Sabadia and other businessmen. Mr. Myrna writes that “I’ve been struck by the strength of his core values, spirituality, and loyalty” and “few in my opinion have contributed so positively to the success of our Navy.” Tab 30. Mr. Myrna further states, “The core values of an organization are established by and reflect the core values of its founder. Every employee of Sabtech...lives the core values of integrity, delivering high quality and exceptional value, and making and keeping commitments.” Tab 30. Finally, Mr. Myrna observed that “Sabtech’s vision contains a spiritual element, unusual for companies: to have touched and enriched the lives of our employees and all others they come in contact with.” Tab 30. Don Potenza, a retired 37 year career civil servant working for the DOD in integrated combat systems, and a former Sabtech customer, writes that Mr. Sabadia “impressed me with his integrity and honesty in dealing with his customers.” Tab 31.

A DOD employee, Joseph Daniels, who has known Mr. Sabadia since 1991 and who has conducted engineering evaluations of Sabtech’s products, writes that Sabtech and Mr. Sabadia “have always provided the best technical support that I have ever experienced in the hundreds of companies that I have interacted with over the past two decades.” Tab 21. “To this day, my coworkers use Sabtech as the highest benchmark...” Id. Mr. Daniels has heard Mr. Sabadia “always emphasize” that “money is not the key to spiritual happiness.” Id.

Mr. Sabadia’s neighbor Norm Lester, himself a retired businessman with a manufacturing background, recalls having visited Sabtech and coming away impressed with the facility being “spotless, attention to detail everywhere and the employees happy in a great work environment.” Tab 24. Mr. Lester wrote that Mr. Sabadia is “not a guy who spent a few hours at work each day then hit the golf course ...but Rahim was more passionate about Sabtech than any diversion.” Id.

“He was constantly looking for better ways to make the product more user friendly for the Navy at a price that was fair to the government”. Id. Mr. Lester, who has spent 25 years engaged in discussions with his neighbor Mr. Sabadia, also wrote that Mr. Sabadia was “proud of the fact that his small company played such a vital role in defending America from harm.” Id.

Mr. Sabadia treats everyone with kindness. Ms. Batool describes an employee of Sabtech who everyone found difficult to work with. The employee got along with no one and had numerous issues at home she was dealing with. Instead of firing her, Mr. Sabadia helped her by bringing in at his expense a counselor to work with her and Mr. Sabadia gave her financial assistance as well. Tab 1.

Mr. Sabadia not only built a successful business that provided important and well-received products and support for the DOD, he also enjoyed some recreation. He loves the United States—not just the ideals and freedoms and success he has found in his adopted home but the physical beauty of the land. He is an avid recreational-motor-home enthusiast, and has traveled with family and friends to many national parks in the United States where he marvels at the natural scenery and converses and learns about other Americans traveling the country. Tabs 1, 2.

Equality and Religious Tolerance—Working To Achieve a Core Value

Mr. Sabadia’s core values are not only exemplified through his financial giving and his respected business. Indeed, one of the most important impacts Mr. Sabadia has contributed to society over the past decade or more has been in promoting religious tolerance and understanding in America. The former Mayor of Yorba Linda, Michael Duvall, writes that following September 11, 2001, while serving as Mayor, he was contacted by Mr. Sabadia, who was very concerned about the public outcries and misunderstanding of the Muslim faith. Mayor Duvall accepted an

invitation to dinner at the Sabadia home and in what “turned out to be one of the most memorable evenings to this day,” Mr. Sabadia engaged in an exchange of religious differences and similarities. Tab 22. This was just the beginning for Mr. Sabadia.

As fellow businessman, Mohannad Malas, describes, he and Mr. Sabadia supported an “educational pilot project for establishing [a] master’s degree program in Islamic studies at Claremont Graduate University in California.” Tab 26. It was so successful it led to the establishment of a chair in Islamic Studies there. Id. Mr. Sabadia also helped “spearhead” an effort with George Russell, the successful American businessman synonymous with the Russell 2000 Index on the New York Stock Exchange, to support an entity that became known as One Nation. See Id. Senior advisor to One Nation, Richard Woo, describes One Nation as a creation of leaders in business, philanthropy, academia, and the faith community to build peaceful relations between Muslim Americans and other Americans. Mr. Woo “worked alongside Rahim while he played key roles with the organization—voluntary CEO, donor, advisory board member, and community advocate.” Tab 41. Henry Izumizaki, who has known and worked with Mr. Sabadia through One Nation since 2005, describes Mr. Sabadia as “a person of integrity with outstanding community and family values” who “has tried to give back to this country via donations and volunteer service.” Tab 43.

Through One Nation, in 2004, Mr. Sabadia met the Reverend Jamie Hamilton, associate dean of Phillips Exeter Academy. Although today she regularly lectures on the intersection of Islam and other religions and the importance of understanding Islam in America, she credits Mr. Sabadia with giving her the courage and encouragement to do so. “I consider Rahim one of my earliest supporters and guides in this commitment for all of us to find respect and knowledge.”

Tab 24.

Mr. Sabadia has supported through charitable donations the Institute on Religion and Civic Values, which according to the letter from its founding Director, is an educational nonprofit working with textbook publishers, scholars, teachers, and various Christian and Jewish organizations to collaborate on preparing students in the United States for a more interconnected world. Tab 39.

He also practices what he preaches, warmly welcoming into his own family a Catholic daughter-in-law and taking the time to learn about her faith. Tab 10. His other daughter-in-law was shunned by her father when she – a non-Indian Muslim – married an Indian Muslim. She says that Mr. Sabadia welcomed her and made her feel like part of the family. Tab 18. Norm Lester, Mr. Sabadia's neighbor for nearly 25 years, writes that Mr. Sabadia has "spent hours discussing [his] religion with me and with many others in the neighborhood. He speaks openly about his faith and I believe that is a sign of good character." Tab 24. Mr. Sabadia has worked to make the world a more tolerant and understanding place.

**Acceptance of Responsibility and Remorse**

Mr. Sabadia admitted in an interview with the FBI during a visit to the Naval facility at Dahlgren that he directed the creation of PTS, and that he exercised control or direction over it and its officers. Mr. Sabadia conceded to the FBI agents that he "shouldn't have done that." Mr. Sabadia similarly acknowledged his culpability in his interview with and written statement to the probation officer preparing the PSR (PSR ¶12, 13), and if the Court permits it, Mr. Sabadia intends to address Your Honor to personally express in his own words his profound regret for the wrong he committed.

### ARGUMENT

It is a well-stated proposition of law that the Court's statutory responsibility is to impose a sentence that is sufficient but not greater than necessary to achieve the goals of sentencing based on the Court's view of the nature and circumstances of the offense and the history and characteristics of the defendant. See 18 U.S.C. 3553(a).

Based principally on these factors, and considering Mr. Sabadia's acceptance of responsibility, sincere remorse, and the values, kindness, and care he has shown to his community, colleagues, employees, friends, and family throughout his adult lifetime, we urge the Court to view Mr. Sabadia's lapse of judgment in this case as an "aberration," as so many of his professional and personal friends and family have hoped to demonstrate. Mr. Sabadia came to America and found and lived the American dream, creating a successful business and a thriving family. He did so based on, living by, and instilling in his family and employees core values that he more than anyone stands today ashamed and deeply disappointed in himself from having strayed in this case, tarnishing his legacy and reputation. See PSR ¶ 40 (quoting Sabadia personal statement: "I regret my lapse in judgment ... and recognize that it impacts my reputation and Sabtech's").

No one knows more than Rahim Sabadia that when he told a Navy official in 2011 that he did not control or direct Primary Tech Systems, knowing full well that he did, it was a breach of core values for which he would have to answer. He stands before this Court, to be sentenced, hoping that he may be judged for his false statement with a full view of his true character, values, and acts of generosity, kindness, and integrity. We respectfully request that the Court impose a sentence of probation (and monetary fine). Probation is itself within the recommended advisory Sentencing Guideline calculation as calculated in the PSR in this case and would be sufficient but

not greater than necessary to achieve the goals of sentencing and would take into account the nature of this offense and Mr. Sabadia's personal history and characteristics.

Dated: March 14, 2014.

Respectfully submitted,

\_\_\_\_\_/s/  
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**CERTIFICATE OF SERVICE**

I, Jonah E. McCarthy, hereby certify that on the 14th day of March, 2014, the foregoing Defendant Rahim Sabadia's Sentencing Memorandum was served on the following by the Court's CM/ECF system:

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